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Via ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Stephen M. Calk, S1 19 Cr. 366 (LGS)

Dear Judge Schofield:

We respectfully submit this letter to advise the Court of exhibit matters relevant to this week's presentation of evidence at trial.

The defense offers the following exhibits without objection from the government: DX 116; DX 118; DX 128; DX 130; DX 132; DX 143; DX 144; DX 168; DX 171; DX 171-A; DX 171-B; DX 171-C; DX 175; DX 176; DX 177; DX 201; DX 205; DX 205-A; DX 212; DX 212-A; DX 221; GX 109; GX 187; GX 207; GX 210; GX 220; GX 238; and, GX 243.

In addition, the defense seeks to introduce into evidence GX 177, which the Court previously excluded as hearsay based on a defense objection, which was not clearly stated and related only to the bottom email in the chain. The portion to which the defense objected was already admitted into evidence as GX 167. The defense intends to offer this exhibit, and specifically the top email in the chain, for a non-hearsay purpose; namely, what Dennis Raico advised Javier Ubarri regarding Paul Manafort's financial condition. In addition, the defense has advised the government that it may seek to admit DX 119, DX 126, DX 129, and DX 165, during the cross examination of Mr. Raico. The government has indicated that it objects on grounds of relevance. Rather than ask the Court to address the objection now, the defense will establish the relevance of these exhibits during cross-examination, should we decide to offer these exhibits in evidence.

Finally, we note that the defense intends to offer DX 50, the composite video exhibit, during the defense case later this week. The government objects, per its filing earlier today, Dkt No. 236. The defense has responded separately on that issue in a letter filed this evening, Dkt No. 238. Based on the current schedule, we do not anticipate offering DX 50 into evidence until Wednesday at the earliest.

The Honorable Lorna G. Schofield
July 5, 2021



Respectfully submitted,

/s/ Paul H. Schoeman

Paul H. Schoeman
Darren A. LaVerne

cc: All counsel (via ECF)